

DO NOT ENTER  
JMM  
4/24/06

PATENT  
Serial No. 09/787,036  
Amendment in Reply to Final Office Action mailed on January 23, 2006

IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of examining a record carrier for the presence of a defects comprising the acts of:

following a track to be examined and monitoring a resulting tracking signal; and

rating the examined ~~recording track~~ for the presence of media the defects based on the basis of characteristics of the resulting tracking signal; and

determining if recording should be discontinued based on the rating act indicating that the ~~resulting recording examined~~ track contains defects;

wherein the examined track is rated as being defective if the resulting tracking signal has a value which exceeds a predetermined threshold for a time period from approximately 50  $\mu$ s to